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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,976	03/22/2004	Claus Pedersen	884A.0043.U1(US)	1357
29683	7590	09/14/2006	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			DAYE, CHELCIE L	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/805,976

Applicant(s)

PEDERSEN, CLAUS

Examiner

Chelcie Daye

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/21/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is issued in response to Application filed March 22, 2004.
2. Claims 1-37 are pending.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 6/21/04 was filed after the mailing date of the application on 3/22/04. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-3,5-7,11,13-15,18-23,25-30,and 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Kock (US Patent Application No. 20040185885) filed January 30, 2004.**

Regarding Claims 1,21,and 28, Kock discloses a method of transferring service settings from a first device to a second device, wherein the first and second devices each have the same predetermined hierarchical data structure, comprising:

- sending a data transfer request identifying a first portion of the hierarchical data structure from the first device to the second device ([0041], Kock);

- copying data stored at the first portion of the hierarchical data structure of the second device from the second device to the first device ([0053], Kock);

- storing the copied data at the first portion of the hierarchical data structure of the first device ([0049], Kock); and

- using, at the first device, the data stored at the first portion of the hierarchical data structure as settings for a first service ([0057], Kock).

Regarding Claims 2,22,and 29, Kock discloses a method wherein the step of copying data, comprises copying a data file stored at the first portion of the hierarchical data structure that is associated with an identifier stored in a first smart card ([0049], Kock).

Regarding Claims 3,23,and 30, Kock discloses a method wherein the copied data file comprises the identifier ([0026], Kock).

Regarding Claims 5 and 32, Kock discloses a method wherein the copied data file is usable, at the first device, as settings for a first service when the first smart card is used with the first device ([0049], Kock).

Regarding Claim 6, Kock discloses a method wherein the copied data file is automatically used, at the first device, as settings for a first service when the first smart card is used with the first device ([0052], Kock).

Regarding Claims 7 and 33, Kock discloses a method further comprising transferring a smart card from the second device to the first device before the step of using the data stored as settings for a first service ([0052], Kock).

Regarding Claim 11, Kock discloses a method wherein the user of the first device is unable to amend the copied data ([0055], Kock).

Regarding Claim 13, Kock discloses a method wherein the first and second devices are mobile telephones for use by the same person ([0040], Kock).

Regarding Claim 14, Kock discloses a method wherein the first service is a telecommunications service (Abstract, Kock).

Regarding Claim 15, Kock discloses a method wherein the first service is one of: messaging, internet access or email ([0041], Kock).

Regarding Claim 18, Kock discloses a method further comprising using, at the second device, the settings stored at the first portion of the hierarchical data structure as settings for the first service ([0052], Kock).

Regarding Claims 19 and 25, Kock discloses a method further comprising using, at the second device, the settings stored at the first portion of the hierarchical data structure as settings for the first service when the first smart card is used with the second device ([0052], Kock).

Regarding Claim 20, Kock discloses a method of transferring service settings from a first device to a second device, wherein the first and second devices each have the same predetermined hierarchical data structure, comprising at first portion for storing settings for accessing a first service and a second portion for storing settings for accessing a second service

sending a data transfer request identifying a first portion of the hierarchical data structure from the first device to the second device ([0041], Kock)

transferring the data content stored at the identified first portion of the hierarchical data structure from the second device to the first device ([0053], Kock)

storing the transferred data content at the first portion of the hierarchical data structure of the first device ([0049], Kock)

sending a data transfer request identifying a second portion of the hierarchical data structure from the first device to the second device ([0056] and [0041], Kock)

transferring the data content stored at the identified second portion of the hierarchical data structure from the second device to the first device ([0053], Kock)

storing the transferred data content at the second portion of the hierarchical data structure of the first device ([0049], Kock)

using, at the first device, the settings stored at the first portion of the hierarchical data structure as settings for a first service and the settings stored at the second portion of the hierarchical data structure as settings for a second service ([0057], Kock).

Regarding Claims 26 and 34, Kock discloses a mobile cellular communications device comprising:

a cellular radio transceiver ([0040], Kock);

a memory for storing data according to a predetermined hierarchical data structure ([0048], Kock);

a processor for reading data from the memory, wherein the data read from the first portion of the hierarchical data structure is usable for providing a telecommunications service via the cellular radio transceiver ([0058], Kock);

a wireless receiver ([0040], Kock) for receiving a data transfer request identifying a first portion of the hierarchical data structure, wherein the processor responds to the data transfer request to read data from the first portion of the hierarchical data structure ([0053], Kock); and

a wireless transmitter ([0040], Kock) for transmitting the data read from the memory in response to the data transfer request ([0041], Kock).

Regarding Claims 27 and 35, Kock discloses a mobile device further comprising means for housing a smart card ([0049], Kock) that enables the device to participate in a telecommunications network (Abstract, Kock), wherein the processor is operable to read data from the first portion of the hierarchical data structure that depends upon the identity of the housed smart card ([0052], Kock).

Regarding Claims 36 and 37, Kock discloses a record medium embodying a computer program comprising computer program instructions for causing a computer to perform the method ([0032], Kock).



***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 4,24,and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kock (US Patent Application No. 20040185885) filed January 30, 2004 in view of Mirouze (US Patent Application No. 20040023664) filed July 3, 2002.**

Regarding Claims 4,24,and 31, Kock discloses all of the claimed subject matter as stated above. However, Kock is silent with respect to the identifier being an International Mobile Subscriber Identity. On the other hand, Mirouze discloses the identifier being an International Mobile Subscriber Identity ([0085], Mirouze). Kock and Mirouze are analogous art because they are from the same field of endeavor of mobile communication devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Mirouze's teachings into the Kock system. Since the Kock system is applied with a GSM network, a skilled artisan would have been motivated to combine in order to provide a unique number to associate with the GSM network for lookup of other details of the mobile device. As a result, as suggested by Mirouze at [0005], to offer mobile users functions that are more ergonomic than those offered by a simple mobile terminal.

**8. Claims 8-10,16,and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kock (US Patent Application No. 20040185885) filed January 30, 2004 in view of Kotzin (US Patent Application No. 20050198376) provisional filed January 2, 2004.**

Regarding Claim 8, Kock discloses all of the claimed subject matter as stated above. However, Kock is silent with respect to the settings originating from a provider of the first service. On the other hand, Kotzin discloses the settings originating from a provider of the first service ([0020], Kotzin). Kock and Kotzin are analogous art because they are from the same field of endeavor of transferring information from one electronic device to another. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Kotzin's teachings into the Kock system. A skilled artisan would have been motivated to combine as suggested by Kotzin at [0006-0007], in order to allow the content to be transferred with ease in an intuitive manner, such that it can be beneficial for the owner.

Regarding Claim 9, the combination of Kock in view of Kotzin, disclose a method wherein the copied data comprises settings controlled by a provider of the first service ([0021], Kotzin).

Regarding Claim 10, the combination of Kock in view of Kotzin, disclose a method wherein the copied data includes data identifying user selections made during user configuration of the first service ([0018], Kotzin).

Regarding Claim 16, the combination of Kock in view of Kotzin, disclose a method further comprising forming a direct connection between first and second devices and using the direct connection for sending the data transfer request and copying data from the second device to the first device ([0038], Kotzin).

Regarding Claim 17, the combination of Kock in view of Kotzin, disclose a method wherein the direct connection is a wireless connection ([0038], Kotzin).

**9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kock (US Patent Application No. 20040185885) filed January 30, 2004 in view of Novak (US Patent No. 6,882,659) provisional filed May 10, 2000.**

Regarding Claim 12, Kock discloses all of the claimed subject matter as stated above. However, Kock is silent with respect to the first device being an OBEX client, the second device being an OBEX server, and the data transfer request comprising a GET request packet. On the other hand, Novak discloses the first device being an OBEX client, the second device being an OBEX server (columns 4-5, lines 57-67 and 1-12, respectively, Novak), and the data transfer

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request comprising a GET request packet (column 5, lines 50-63, Novak). Kock and Novak are analogous art because they are from the same field of endeavor of synchronization of mobile devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Novak's teachings into the Kock system. A skilled artisan would have been motivated to combine in order to provide a communications protocol that facilitates the exchange of binary objects between devices. As a result, as suggested by Novak at column 3, lines 14-21, allowing for a desirable synchronization protocol that operates in a connectionless environment.

***Points of Contact***

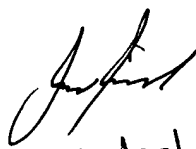
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye  
Patent Examiner  
Technology Center 2100  
September 11, 2006

  
Sana Al-Hashem